

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

In Re: Antonio Lucas

Chapter 7

**FILED**  
**IN CLERKS OFFICE**

Bankruptcy Case 03-42229

Judge Joel B. Rosenthal 10 P 2:47

CLERK'S CERTIFICATION FOR TRANSMITTAL  
OF RECORD ON APPEAL

U.S. DISTRICT COURT  
DISTRICT OF MASS.

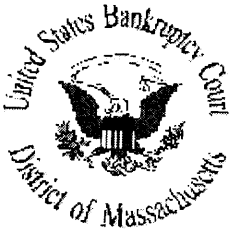
**03-40277 WGY**

I, JAMES M. LYNCH, Clerk of the United States Bankruptcy Court for the District of Massachusetts, do hereby certify that the annexed documents are copies of the original papers as described in the accompanying Designation of Record and constitute the Record on Appeal in the case entitled and numbered **Antonio Lucas, #03-42229**.

IN TESTIMONY WHEREOF, I HEREUNTO SET  
MY HAND AND AFFIX THE SEAL OF THIS  
COURT, AT WORCESTER, IN THE DISTRICT OF  
MASSACHUSETTS, THIS 10th DAY OF DECEMBER

Date: 12/10/03

James M. Lynch  
Clerk, U.S. Bankruptcy Court



By the Court,

Joanne M. Ryan

Deputy Clerk  
(508) 770-8921

Receipt of the documents in the above-entitled case as described in the Designation of Record is hereby acknowledged this 10th day of December, 2003.

This case has been assigned No. 03-40277.

Sherry Jones  
DEPUTY CLERK

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

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In Re: Antonio Lucas

Chapter 7  
Bankruptcy Case 03-42229  
Judge Joel B. Rosenthal

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NOTICE OF FILING OF APPEAL TO DISTRICT COURT

A Notice of Appeal and an Election to have the appeal heard in the United States District Court were filed on **NOVEMBER 10, 2003** in the above case/proceeding.

Please refer to 28 U.S.C. § 158(c)(1), Federal Rule of Bankruptcy Procedure 8001 et seq., and Local Rule 203 of the U.S. District Court. Also, pursuant to Federal Rule of Bankruptcy Procedure 8006 the Appellant must file with the Clerk of this Court, a Designation of the Record on Appeal and a Statement of the Issues to be presented on Appeal, within ten (10) days of the filing of the:

1. Notice of Appeal, or
2. Entry of an Order granting leave to appeal, or
3. Entry of an Order disposing of the last timely motion outstanding of a type specified in Rule 8002(b),

whichever is later.

A copy of the Designation and Statement shall be served by the Appellant on the Appellee.

The Appellee may file a Designation of Additional Papers to be included in the Record on Appeal within ten (10) days after service of the Appellant's Designation and Statement.

Upon the filing of Designation(s) of Record and Statement of Issues on Appeal, the Appellant (and Appellee if additional papers have been designated) shall, provide the Clerk with copies of all papers which have been designated for inclusion in the Record on Appeal within twenty-five (25) days of the issuance of this notice.

It is the duty of the parties to insure that the Record on Appeal is complete. The Clerk of the Bankruptcy Court will transmit the Record on Appeal as assembled by the parties.

Date: 11/10/03

James M. Lynch  
Clerk, U.S. Bankruptcy Court

By the Court,

Joanne M. Ryan  
Deputy Clerk  
(508) 770- 8921

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

IN RE:

ANTONIO LUCAS,

Debtor.

CHAPTER 7

CASE NO. 03-42229-JBR

**03-40277WGY**

ELECTION TO HAVE APPEAL HEARD  
BY DISTRICT COURT INSTEAD OF  
BANKRUPTCY APPELLATE PANEL

Now comes the Appellant, Darryl Chimko, and elects to have the appeal filed herewith heard by the United States District Court for the District of Massachusetts pursuant to 28 U.S.C. Sec. 158(c)(1).

DARRYL CHIMKO

By his Attorneys,

STEPHEN E. SHAMBAN LAW OFFICES, P.C.

By: *Ann Brennan*

ANN BRENNAN (BBO 237770)

P.O. BOX 850973

639 GRANITE STREET

BRAINTREE, MA 02185-0973

(781) 849-1136

jm:chimko.11.6.03

FILED  
IN CLERK'S OFFICE  
2003 NOV 10 A 11:28  
BANKRUPTCY COURT  
PROCESTER, MA.

**11 10 03**

**24**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

IN RE:

ANTONIO LUCAS,

Debtor.

CHAPTER 7

CASE NO. 03-42229-JBR

CERTIFICATE OF SERVICE

I, Ann Brennan, do hereby certify that on November 7, 2003 I served the within NOTICE OF APPEAL OF DARRYL CHIMKO REGARDING ORDER WITH RESPECT TO COURT'S ORDER TO SHOW CAUSE AND MEMORANDUM OF DECISION WITH RESPECT TO COURT'S ORDER TO SHOW CAUSE and ELECTION TO HAVE APPEAL HEARD BY DISTRICT COURT INSTEAD OF BANKRUPTCY APPELLATE PANEL by sending a copy of same first class mail postage prepaid to the following interested parties:

UNITED STATES TRUSTEE  
600 Main Street  
Ste. 200  
Worcester, MA 01608

Household Finance  
c/o Shermeta, Chimko & Adams, P.C.  
Attorneys and Counselors at Law  
445 South Livernois Ste. 333  
P.O. Box 80490  
Rochester Hills, MI 48308-0490

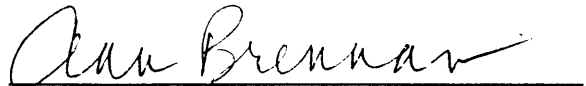
Shermeta, Chimko & Adams, P.C.  
Attorneys and Counselors at Law  
445 South Livernois Ste. 333  
P.O. Box 80490  
Rochester Hills, MI 48308-0490

Darryl Chimko, Esq.  
1613 Scenic Hollow  
Rochester Hills, MI 48306

Chapter 7 Trustee  
John Burdick, Esq.  
Burdick & DiLeo  
340 Main Street  
Worcester, MA 01608

FILED  
IN CLERK'S OFFICE  
2003 NOV 10 A 11:28  
BANKRUPTCY COURT  
WORCESTER, MA.

Antonio Lucas  
98 Auburn Street  
Unit 1  
Lawrence, MA 01841

  
Ann Brennan, Esq.

jm:chimko.11.6.03

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

IN RE:

ANTONIO LUCAS,

Debtor.

CHAPTER 7

CASE NO. 03-42229-JBR

03-40277

NOTICE OF APPEAL OF DARRYL CHIMKO REGARDING  
ORDER WITH RESPECT TO COURT'S ORDER TO SHOW CAUSE  
AND MEMORANDUM OF DECISION WITH RESPECT TO COURT'S  
ORDER TO SHOW CAUSE

Now comes Darryl Chimko ("Chimko") and appeals under 28 U.S.C. Sec. 158(a) from the Order on Decision with respect to Court's Order to Show Cause dated October 10, 2003 ("Court's Order") and Memorandum of Decision with respect to Court's Order to Show Cause dated October 10, 2003 ("Court's Memorandum") of Bankruptcy Judge Joel B. Rosenthal, which was entered onto the docket on October 14, 2003. The Order and Memorandum were subject to a Motion for Reconsideration filed by Chimko on October 24, 2003. Said Motion for Reconsideration was determined by the Decision and Order Regarding Motion for Reconsideration by Judge Rosenthal dated October 31, 2003.

The names of all parties to the judgment, order or decree appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

Counsel to Darryl Chimko:  
Ann Brennan, Esq.  
Stephen E. Shamban, Esq.  
Stephen E. Shamban Law Offices, P.C.  
P.O. Box 850973  
639 Granite Street  
Braintree, MA 02185-0973  
(781) 849-1136 – telephone  
(781) 848-9055 – facsimile

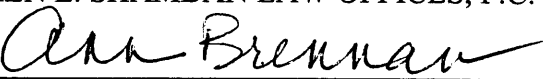
FILED  
IN CLERK'S OFFICE  
2003 NOV 10 A 11:28  
BANKRUPTCY COURT  
WORCESTER, MA.

INSTALLMENT FEES

11/10/03  
23

Richard A. King  
UNITED STATES TRUSTEE  
600 Main Street  
Ste. 200  
Worcester, MA 01608  
(508) 793-0555 – telephone  
(508) 793-0558 - facsimile

DARRYL CHIMKO  
By his Attorneys,  
STEPHEN E. SHAMBAN LAW OFFICES, P.C.

By:   
ANN BRENNAN (BBO 237770)  
P.O. BOX 850973  
639 GRANITE STREET  
BRAINTREE, MA 02185-0973  
(781) 849-1136

jm:chimko.11.6.03

**APPEAL, DISCHARGED**

**United States Bankruptcy Court  
District of Massachusetts (Worcester)  
Bankruptcy Petition #: 03-42229**

*Assigned to:* Judge Joel B. Rosenthal  
Chapter 7  
Voluntary  
No asset

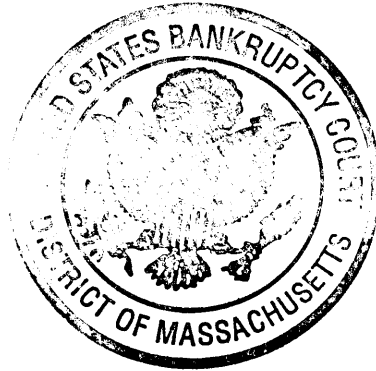
*Date Filed:* 04/17/2003  
*Date Discharged:*  
11/18/2003

**Antonio Lucas**  
98 Auburn St. #1  
Lawrence, MA 01841  
SSN: xxx-xx-1282  
**Debtor**

represented by **Antonio Lucas**  
PRO SE

**Richard King**  
Office of U.S. Trustee  
600 Main Street  
Suite 200  
Worcester, MA 01608  
**Assistant U.S. Trustee**

**John A. Burdick**  
340 Main Street  
Worcester, MA 01608  
508-752-4633  
**Trustee**



Certified to be a true and  
correct copy of the original  
James M. Lynch, Clerk  
U.S. Bankruptcy Court  
District of Massachusetts

By: [Signature]  
Deputy Clerk  
Date: 12/10/03

Filing Date	#	Docket Text
04/17/2003	1	Chapter 7 Voluntary Petition All Schedules and Statements. Receipt Number 496723, Fee Amount \$200 Filed by Antonio Lucas. (js, USBC) (Entered: 04/18/2003)
04/17/2003	3	Disclosure of Compensation in the amount of \$500.00 . Filed by Petition Preparer Julio C. Gonzalez (js, USBC) (Entered: 04/18/2003)
04/18/2003		First Meeting of Creditors scheduled on 05/22/2003 at 12:00 PM at Room 101 U.S. Trustee's Office. Objections for Discharge due by 07/21/2003. (js, USBC) CORRECTIVE ENTRY: Terminated first meeting - docketed with wrong location. Modified on 4/18/2003 (pf, ). (Entered: 04/18/2003)
04/18/2003	2	Certificate of Appointment and Acceptance of Trustee and Fixing of Bond (js, USBC) (Entered: 04/18/2003)



04/18/2003	3	First Meeting of Creditors. 341(a) meeting to be held on 5/22/2003 at 12:30 PM at Worcester UST Office, 600 Main Street, Suite 202. Last day to oppose discharge or dischargeability is 7/21/2003. (pf, ) (Entered: 04/18/2003)
05/02/2003	4	Court's Notice of 341 sent (admin1, ) (Entered: 05/02/2003)
05/04/2003	5	BNC Certificate of Mailing - Meeting of Creditors. Service Date 05/04/2003. (Related Doc # 4) (Admin.) (Entered: 05/05/2003)
05/22/2003	6	Meeting of Creditors Held and Examination of Debtor. (mjl, USBC) (Entered: 09/05/2003)
06/16/2003	6	Reaffirmation Agreement Between Debtor and Household Finance Corporation II Re: Home Filed by Debtor Antonio Lucas. (jr , ) (Entered: 06/19/2003)
06/20/2003	7	Hearing scheduled for 7/10/2003 at 9:45 AM Worcester Courtroom 3 RE: 6 Reaffirmation Agreement with Household Finance Corporation filed by Debtor Antonio Lucas. (jr , ) (Entered: 06/20/2003)
07/07/2003	8	Order to Show Cause (RE: 6 Reaffirmation Agreement.) HOUSEHOLD FINANCE CORPORATION 11, THROUGH ITS AGENT DARRYL J. CHIMKO AND SHERMETA, CHIMCO & ADAMS PC ARE HEREBY ORDERED TO APPEAR AT A HEARING TO BE HELD ON 7/31/03 AT 10:30 AM AND SHOW CAUSE WHY (1) THE NOTICE OF PRO SE REAFFIRMATION OF DEBT SECURED BY REAL PROPERTY SHOULD NOT BE STRICKEN AND THE REAFFIRMATION AGREEMENT NOT ACCEPTED FOR FILING; (2) SANCTIONS SHOULD NOT BE IMPOSED UPON HOUSEHOLD FINANCE CORPORATION II AND OR ITS AGENT FOR ATTACHING THE NOTICE TO THE REAFFIRMATION AGREEMENT WHICH (A) CONFLICTS WITH THE MLBR; (B) REQUIRES THAT NOTICE BE GIVEN TO AN ADDRESS OTHER THAN THE CREDITOR'S ADDRESS AS IT APPEARS ON THE MATRIX WHEN A NOTICE OF APPEARANCE HAS NOT BEEN FILED; AND (C) PURPORTS TO PERMIT THE CREDITOR TO IGNORE ANY BINDING ORDER OF THIS COURT WITH RESPECT TO THE REAFFIRMATION AGREEMENT IF NOTICE OF A HEARING IS NOT GIVEN TO THE AGENT; AND (3) SANCTIONS, INCLUDING ANY APPROPRIATE REFERRALS, SHOULD NOT BE IMPOSED UPON THE AGENT FOR THE UNAUTHORIZED PRACTICE OF LAW IN MASSACHUSETTS. (Entered: 07/08/2003)
07/07/2003	9	Order Re: (RE: 6 Reaffirmation Agreement Between Debtor and Household Finance Corporation II Re: Home Filed by Debtor

		Antonio Lucas). THE HEARING SCHEDULED FOR JULY 10, 2003 AT 9:45 AM IS RESCHEDULED TO JULY 31, 2003 AT 10:30 AM PER ORDER OF THIS COURT. (ach) (Entered: 07/08/2003)
07/08/2003	●	Hearing scheduled for 7/31/2003 at 10:30 AM Worcester Courtroom 3 - JBR for 6 Reaffirmation Agreement Between Debtor and Household Finance Corporation II Re: Home Filed by Debtor Antonio Lucas. (ach) (Entered: 07/08/2003)
07/14/2003	●16	Notice of Appearance and Request for Notice filed by Sandra K Curtin for Creditor American Express Travel Related Services Co. Inc. . (ld , ) (Entered: 09/08/2003)
07/28/2003	●10	Notice of Appearance and Request for Pleadings by Stephen E. Shamban for Creditor Household Finance Corporation II, Darryl J. Chimko, Agent and Shermeta, Chimko & Adams, PC. c/s (jr , ) (Entered: 07/29/2003)
07/29/2003	●11	Response To 8 Order to Show Cause by Creditor Household Finance Corporation II. c/s (jr , ) (Entered: 07/29/2003)
08/04/2003	●12	Motion of Household Finance Corporation II, Darryl J. Chimko and Shermeta, Chimko and Adams, PC for Leave to File Memorandum with Regard to Order to Show Cause. c/s (jr , ) (Entered: 08/04/2003)
08/04/2003	●13	Endorsed Order Granting 12 Motion of Household Finance Corporation II, Darryl J. Chimko and Shermeta, Chimko and Adams, PC for Leave to File Memorandum with Regard to Order to Show Cause. ALLOWED AS FOLLOWS. THE MOVANT MAY FILE A MEMORANDUM AND SHALL FILE A CHART OF ALL CASES PENDING IN THE DISTRICT OF MASSACHUSETTS IN WHICH DARRYL J. CHIMKO AND/OR SHERMTA, CHIMKO AND ADAMS, PC HAS FILED A REAFFIRMATION AGREEMENT AND/OR AN APPEARANCE AND SHALL DESIGNATE WHETHER THE REAFFIRMATION AGREEMENT AND/OR ANY NOTICE REGARDING THE REAFFIRMATION AGREEMENT WAS FILED AS (a) ATTORNEY; (b) AGENT, OR (c) BOTH. CASES IN WHICH NOTICES OF APPEARANCE SHALL BE SEPARATELY DESIGNATED. THE MEMO AND CHART ARE DUE BY SEPTEMBER 2, 2003 AT 4:30 PM. (jr , ) (Entered: 08/04/2003)
08/20/2003	●14	Transcript of Hearings Held on 7/31/03 RE: 6 Reaffirmation Agreement Between Debtor and Household Finance Corp., II and Show Cause Hearing. (ld , ) (Entered: 08/20/2003)
09/02/2003	●15	Memorandum in Support of 6 Reaffirmation Agreement Between

		Debtor and Household Finance Corporation II Re: Home Filed by Debtor Antonio Lucas. c/s (jr , ) (Entered: 09/03/2003)
10/14/2003	17	Memorandum of Decision OF 10/10/03 with Respect to 8 Court's Order to Show Cause. AS A REMEDY FOR CHIMKO'S ACTIONS, THIS COURT WILL PROVIDE THIS DECISION TO THE MASSACHUSETTS BOARD OF OVERSEERS AND THE MICHIGAN ATTORNEY DISCIPLINE BOARD. ADDITIONALLY HE WILL BE SANCTIONED IN THE AMOUNT OF \$500.00. A SEPERATE ORDER WILL ISSUE. (jr , ) (Entered: 10/14/2003)
10/14/2003	18	Order of 10/10/03 with Respect to 8 Court's Order to Show Cause. IN ACCORDANCE WITH THE MEMORANDUM OF DECISION ISSUED CONTEMPORANEOUSLY HERewith, ATTORNEY DARRYL J. CHIMKO IS HEREBY SANCTIONED \$500.00. A CHECK FOR THAT AMOUNT SHALL BE DELIVERED FORTHWITH TO THE CLERK OF THIS COURT. COPIES OF THIS DECISION WILL BE SENT TO THE MASSACHUSETTS BOARD OF OVERSEERS AND THE MICHIGAN ATTORNEY DISCIPLINE BOARD. (jr , ) (Entered: 10/14/2003)
10/14/2003	19	Order Re: 6 Reaffirmation Agreement Between Debtor and Household Finance Corporation II Re: Home Filed by Debtor Antonio Lucas. THE REAFFIRMATION AGREEMENT MAY BE FILED. (jr , ) (Entered: 10/14/2003)
10/21/2003		Receipt Number 515189, Fee Amount \$500.00 Re: 18 Order of 10/10/03 with Respect to 8 Court's Order to Show Cause. IN ACCORDANCE WITH THE MEMORANDUM OF DECISION ISSUED CONTEMPORANEOUSLY HERewith, ATTORNEY DARRYL J. CHIMKO IS HEREBY SANCTIONED \$500.00. A CHECK FOR THAT AMOUNT SHALL BE DELIVERED FORTHWITH TO THE CLERK OF THIS COURT. COPIES OF THIS DECISION WILL BE SENT TO THE MASSACHUSETTS BOARD OF OVERSEERS AND THE MICHIGAN ATTORNEY DISCIPLINE BOARD. (jr , ) (Entered: 10/21/2003)
10/23/2003	20	Letter Filed by State of Michigan Attorney Discipline Board Re: 17 Memorandum of Decision. (jr, usbc) (Entered: 10/24/2003)
10/24/2003	21	Motion to Reconsider 18 Order on Decision and 17 Memorandum of Decision with Respect to the Court's Order to Show Cause Filed by Darryl J. Chimko with Affidavit. c/s (jr, usbc) (Entered: 10/24/2003)
10/31/2003	22	Decision and Order Re: 21 Motion to Reconsider 18 Order on Decision and 17 Memorandum of Decision with Respect to the Court's Order to Show Cause Filed by Darryl J. Chimko. FOR THE

		<p>FOREGOING REASONS, THE MOTION IS HEREBY ALLOWED. A COPY OF THIS DECISION AND ORDER REGARDING MOTION FOR RECONSIDERATION SHALL BE FORWARDED TO THE MASSACHUSETTS BOARD OF BAR OVERSEERS AND THE MICHIGAN ATTORNEY DISCIPLINE BOARD AND IS INCORPORATED BY REFERENCE IN THE COURT'S MEMORANDUM OF DECISION WITH RESPECT TO THE COURT'S ORDER TO SHOW CAUSE. (jr, usbc) (Entered: 10/31/2003)</p>
11/10/2003	23	<p>Notice of Appeal Filed by Darryl Chimko RE: 18 Order with Respect to Court's Order to Show Cause and Memorandum of Decision with Respect to Court's Order to Show Cause. Appellant Designation due by 11/20/2003. Complied Records Due by 12/5/2003. Transmission of Designation Due by 12/10/2003. Receipt Number 515783, Fee Amount \$250. (jr, usbc) (Entered: 11/10/2003)</p>
11/10/2003	24	<p>Election of Appeal to District Court Filed by Darryl Chimko Re: 23 Notice of Appeal Filed by Darryl Chimko Re: 18 Order with Respect to Court's Order to Show Cause and Memorandum of Decision with Respect to Court's Order to Show Cause. c/s (jr, usbc) (Entered: 11/10/2003)</p>
11/10/2003	25	<p>Notice of Appeal to District Court Re: 23 Notice of Appeal Filed by Darryl Chimko Re: 18 Order with Respect to Court's Order to Show Cause and Memorandum of Decision with Respect to Court's Order to Show Cause. (jr, usbc) (Entered: 11/10/2003)</p>
11/10/2003	26	<p>Clerk's Notice of Fees Due Re: 23 Notice of Appeal Filed by Darryl Chimko Re: 18 Order with Respect to Court's Order to Show Cause and Memorandum of Decision with Respect to Court's Order to Show Cause. Fee due by 11/20/2003. (jr, usbc) (Entered: 11/10/2003)</p>
11/14/2003		<p>Receipt Number 515980, Fee Amount \$5.00 RE: 26 Clerk's Notice of Fees Due Concerning Notice of Appeal. (ach, usbc) (Entered: 11/18/2003)</p>
11/18/2003	27	<p>Order Discharging Debtor Antonio Lucas. (ach, usbc) (Entered: 11/18/2003)</p>
11/20/2003	28	<p>BNC Certificate of Mailing - Order of Discharge. Service Date 11/20/2003. (Related Doc # 27) (Admin.) (Entered: 11/21/2003)</p>
11/20/2003	29	<p>Appellant Designation of Contents For Inclusion in Record On Appeal Filed by Darryl Chimko Re: 23 Notice of Appeal Filed by Darryl Chimko Re: 18 Order with Respect to Court's Order to Show Cause and Memorandum of Decision with Respect to Court's Order to Show Cause. Appellee designation due by 12/1/2003. (jr, usbc)</p>

		(Entered: 12/01/2003)
11/20/2003	30	Statement of Issues Filed by Darryl Chimko Re: 23 Notice of Appeal. (jr, usbc) (Entered: 12/01/2003)
12/10/2003	31	Transmittal of Record on Appeal to U.S. District Court Re: 23 Notice of Appeal Filed by Darryl Chimko RE: 18 Order with Respect to Court's Order to Show Cause and Memorandum of Decision with Respect to Court's Order to Show Cause. (jr, usbc) (Entered: 12/10/2003)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

03-40277

IN RE:

ANTONIO LUCAS,

Debtor.

CHAPTER 7

CASE NO. 03-42229-JBR

DESIGNATION OF THE ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL AND  
STATEMENT OF THE ISSUES PURSUANT TO BANKRUPTCY RULE 8006 REGARDING  
THE APPEAL OF THE COURT'S ORDER OF OCTOBER 14, 2003

Now comes Darryl Chimko ("Chimko") who appealed under 28 U.S.C. Sec. 158(a) from the Order on Decision with respect to Court's Order to Show Cause dated October 10, 2003 ("Court's Order") and Memorandum of Decision with respect to Court's Order to Show Cause dated October 10, 2003 ("Court's Memorandum") of Bankruptcy Judge Joel B. Rosenthal, which was entered on the docket on October 14, 2003. The Order and Memorandum were subject to a Motion for Reconsideration filed by Chimko on October 24, 2003. Said Motion for Reconsideration was determined by the Decision and Order Regarding Motion for Reconsideration by Judge Rosenthal dated October 31, 2003.

Appellant designates the following items to be included in the Record on Appeal of this Appeal:

**DESIGNATION OF RECORD**

1. Docket for Chapter 7, Case No. 03-42229-JBR.
2. Voluntary Chapter 7 Petition of Antonio Lucas.
3. Reaffirmation Agreement between Debtor and Household Finance Corporation II.
4. Notice of Reaffirmation of Debt Secured by Real Property.
5. Cover letter addressed to United States Bankruptcy Court for Reaffirmation Agreement and Notice of Pro Se Reaffirmation.
6. Order to Show Cause dated July 7, 2003.
7. Notice of Appearance and Request for Pleadings by Stephen E. Shamban for Creditor Household Finance Corporation II, Darryl J. Chimko, Agent and Shermeta, Chimko & Adams, P.C.

12/1/03  
29430



8. Response to Order to Show Cause by Creditor Household Finance Corporation II, Darryl J. Chimko and Shermeta, Chimko & Adams, P.C.
9. Transcript of Evidentiary Hearing held on July 31, 2003 RE: Order to Show Cause and Reaffirmation Agreement between Debtor and Household Finance Corporation II.
10. Motion of Household Finance Corporation II, Darryl Chimko and Shermeta, Chimko & Adams, P.C. for Leave to File a Memorandum with regard to the Order to Show Cause.
11. Order dated August 4, 2003 granting Motion to File Memorandum and Ordering Movant to file a chart of all cases pending in the District of Massachusetts.
12. Memorandum in Support of Household Finance Corporation II Response to the Order to Show Cause.
13. Chart of Pending Cases.
14. Decision and Order dated October 10, 2003 with Respect to Order to Show Cause.
15. Memorandum of Decision with respect to Court's Order to Show Cause dated October 10, 2003.
16. Order dated October 10, 2003 allowing the Reaffirmation Agreement to be filed.
17. Motion to Reconsider Order on Decision and Memorandum of Decision with respect to the Court's Order to Show Cause.
18. Affidavit in Support of Motion to Reconsider Order on Decision and Memorandum of Decision with Respect to the Court's Order to Show Cause.
19. Order dated October 31, 2003 allowing Motion to Reconsider.
20. Notice of Appeal by Darryl Chimko.
21. Election of Appeal to District Court.

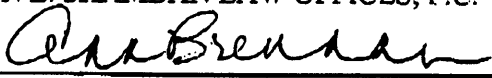
#### **STATEMENT OF ISSUES**

- 1) Issue: Does the mailing of a reaffirmation agreement to a pro se debtor, preparing a reaffirmation agreement and filing a reaffirmation agreement with the Bankruptcy Court constitute the practice of law?
- 2) Issue: Was Judge Rosenthal's decision to sanction Attorney Chimko \$500.00 for practicing law in Massachusetts an abuse of discretion?
- 3) Issue: Was Judge Rosenthal's determination, that the purpose of Chimko's mailing the Notice to pro se debtors was to assist them, an error?

- 4) Issue: Was the notice sent by Chimko to the Debtor and filed with the Bankruptcy Court misleading?
- 5) Issue: Did Chimko violate Massachusetts Rules of Professional Conduct Rule 7.1 by using his letterhead in corresponding with the Debtor and the Bankruptcy Court while serving as Household's Agent?
- 6) Issue: Did the use of the firm's letterhead by Chimko, while serving as agent to a creditor, constitute a misrepresentation to either the Debtor or the Court?
- 7) Issue: Was the reference, contained in the Notice attached to the Reaffirmation Agreement, to "attorneys" for Household Finance Corporation II rather than "agent" for Household Finance Corporation II misleading and intentional?

Respectfully submitted,

DARRYL CHIMKO,  
By his Attorneys,  
STEPHEN E. SHAMBAN LAW OFFICES, P.C.

By:   
ANN BRENNAN (BBO 237770)  
P.O. BOX 850973  
639 GRANITE STREET  
BRAINTREE, MA 02185-0973  
(781) 849-1136

jm:chimko.11.17.03



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

IN RE:

ANTONIO LUCAS,

Debtor.

CHAPTER 7

CASE NO. 03-42229-JBR

CERTIFICATE OF SERVICE

I, Ann Brennan, do hereby certify that on November 20, 2003 I served the within DESIGNATION OF THE ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL AND STATEMENT OF THE ISSUES PURSUANT TO BANKRUPTCY RULE 8006 REGARDING THE APPEAL OF THE COURT'S ORDER OF OCTOBER 14, 2003 by sending a copy of same first class mail postage prepaid to the following interested parties:

UNITED STATES TRUSTEE  
600 Main Street  
Ste. 200  
Worcester, MA 01608


Household Finance  
c/o Shermeta, Chimko & Adams, P.C.  
Attorneys and Counselors at Law  
445 South Livernois Ste. 333  
P.O. Box 80490  
Rochester Hills, MI 48308-0490

Shermeta, Chimko & Adams, P.C.  
Attorneys and Counselors at Law  
445 South Livernois Ste. 333  
P.O. Box 80490  
Rochester Hills, MI 48308-0490

Darryl Chimko, Esq.  
1613 Scenic Hollow  
Rochester Hills, MI 48306

Chapter 7 Trustee  
John Burdick, Esq.  
Burdick & DiLeo  
340 Main Street  
Worcester, MA 01608

Antonio Lucas  
98 Auburn Street  
Unit 1  
Lawrence, MA 01841

  
Ann Brennan, Esq.

jm:chimko.11.17.03